



10-12-a

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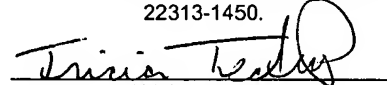
3738

PATENT
Customer No. 22,852
Attorney Docket No. 08442.0002.02000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Joseph C. CAUTHEN et al.) Group Art Unit: 3738
)
Application No.: 10/075,615) Examiner: U. Chattopadhyay
)
Filed: February 15, 2002)
) Confirmation No.: 2841
)
For: SPINAL DISC ANNULUS)
RECONSTRUCTION METHOD)
AND SPINAL DISC ANNULUS)
STENT)

I hereby certify that this correspondence is being deposited with the United States Postal Services "Express Mail Label EV 755141038 US Post Office to Addressee" service under 37 CFR § 1.10 on October 10, 2006 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Tricia Tedesco

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

10/16/2006 EFLORES 00000098 10075615

01 FC:1806 180.00 DA

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

10/16/2006 EFLORES 00000098 060916 10075615
01 FC:1806 180.00-DA

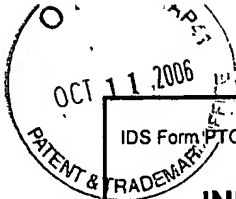
Dated: October 11, 2006

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By: 

Eric P. Raciti
Reg. No. 41475



IDS Form PTO/SB/08: Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/075,615
				Filing Date	February 15, 2002
				First Named Inventor	Joseph C. CAUTHEN
				Art Unit	3738
				Confirmation No.	2841
Examiner Name	D. Isabella				
Attorney Docket Number	08442.0200-00000				
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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US 1,995,970	03-26-1935	Dorough	
		US 2,609,347	09-02-1952	Wilson	
		US 2,653,917	09-29-1953	Hammon	
		US 2,659,935	11-24-1953	Hammon	
		US 2,664,366	12-29-1953	Wilson	
		US 2,664,367	12-29-1953	Wilson	
		US 2,676,945	04-27-1954	Higgins	
		US 2,683,136	07-06-1954	Higgins	
		US 2,703,316	03-01-1955	Schneider	
		US 2,758,987	08-14-1956	Salzberg	
		US 2,846,407	08-05-1958	Wilson	
		US 2,951,828	09-06-1960	Zeile	
		US 3,531,561	09-29-1970	Trehu	
		US 3,580,256	05-25-1971	Wilkinson	
		US 3,874,388	04-01-1975	King et al.	
		US 3,875,595	04-08-1975	Froning	
		US 3,895,753	07-22-1975	Bone	
		US 3,990,619	11-09-1976	Russell	
		US 4,006,747	02-08-1977	Kronenthal et al.	
		US 4,007,743	02-15-1977	Blake	
		US 4,224,413	09-23-1980	Burbidge	
		US 4,349,921	09-21-1982	Kuntz	
		US 4,369,788	01-25-1983	Goald	
		US 4,413,359	11-08-1983	Akiyama et al.	
		US 4,502,161	03-05-1985	Wall	
		US 4,512,338	04-23-1985	Balko et al.	
		US 4,532,926	08-06-1985	O'Holla	
		US 4,602,635	07-29-1986	Mulhollan et al.	
		US 4,663,358	05-05-1987	Hyon et al.	
		US 4,669,473	06-02-1987	Richards et al.	
		US 4,678,459	07-07-1987	Onik et al.	
		US 4,736,746	04-12-1988	Anderson	
		US 4,743,260	05-10-1988	Burton	

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

	US 4,744,364	05-17-1988	Kensey	
	US 4,781,190	11-01-1988	Lee	
	US 4,798,205	01-17-1989	Bonomo et al.	
	US 4,837,285	06-06-1989	Berg et al.	
	US 4,844,088	07-04-1989	Kambin	
	US 4,863,477	09-05-1989	Monson	
	US 4,884,572	12-05-1989	Bays et al.	
	US 4,895,148	01-23-1990	Bays et al.	
	US 4,904,261	02-27-1990	Dove et al.	
	US 4,911,718	03-27-1990	Lee et al.	
	US 4,917,704	04-17-1990	Frey et al.	
	US 4,919,667	04-24-1990	Richmond	
	US 4,946,378	08-07-1990	Hirayama et al.	
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	US 4,976,715	12-11-1990	Bays et al.	
	US 5,002,576	03-26-1991	Fuhrmann et al.	
	US 5,035,716	07-30-1991	Downey	
	US 5,041,129	08-20-1991	Hayhurst et al.	
	US 5,047,055	09-10-1991	Bao, Higham	
	US 5,053,046	10-01-1991	Janese	
	US 5,059,193	10-22-1991	Kuslich	
	US 5,059,206	10-22-1991	Winters	
	US 5,062,344	11-05-1991	Gerker	
	US 5,071,437	12-10-1991	Steffee	
	US 5,085,661	02-04-1992	Moss	
	US 5,100,422	03-31-1992	Berguer et al.	
	US 5,108,420	04-28-1992	Marks	
	US 5,116,357	05-26-1992	Eberbach	
	US 5,129,912	06-14-1992	Noda et al.	
	US 5,122,154	06-16-1992	Rhodes	
	US 5,122,155	06-16-1992	Eberbach	
	US 5,123,926	06-23-1992	Pisharodi	
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	US 5,141,515	08-25-1992	Eberbach	
	US 5,171,259	12-15-1992	Inoue	

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

	US 5,171,280	12-15-1992	Baumgartner	
	US 5,171,281	12-15-1992	Parsons et al.	
	US 5,176,692	01-05-1993	Wilk et al.	
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	US 5,192,326	03-09-1993	Bao et al.	
	US 5,204,106	04-20-1993	Schepers et al.	
	US 5,222,962	06-29-1993	Burkhart	
	US 5,222,974	06-29-1993	Kensey et al.	
	US 5,242,439	09-07-1993	Larsen et al.	
	US 5,254,133	10-19-1993	Seid	
	US 5,269,791	12-14-1993	Mayzels et al.	
	US 5,282,827	02-01-1994	Kensey et al.	
	US 5,282,863	02-01-1994	Burton	
	US 5,304,194	04-19-1994	Chee et al.	
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	US 5,312,435	05-17-1994	Nash et al.	
	US 5,320,644	06-14-1994	Baumgartner	
	US 5,320,629	06-14-1994	Noda et al.	
	US 5,342,394	08-30-1994	Matsuno et al.	
	US 5,344,442	09-06-1994	Radu Deac	
	US 5,354,736	10-11-1994	Bhatnagar	
	US 5,370,660	12-06-1994	Weinstein et al.	
	US 5,370,697	12-06-1994	Baumgartner	
	US 5,374,268	12-20-1994	Sander	
	US 5,376,120	12-27-1994	Sarver et al.	
	US 5,383,477	01-24-1995	DeMatteis	
	US 5,383,905	01-24-1995	Golds et al.	
	US 5,391,182	02-21-1995	Chin	
	US 5,397,332	03-14-1995	Kammerer et al.	
	US 5,397,326	03-14-1995	Mangum	
	US 5,398,861	03-21-1995	Green	
	US 5,405,360	04-11-1995	Tovey	
	US 5,405,352	04-11-1995	Weston	
	US 5,417,699	05-23-1995	Klein et al.	
	US 5,425,772	06-20-1995	Brantigan	

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
		US 5,425,773	06-20-1995	Boyd et al.	
		US 5,429,598	07-04-1995	Waxman et al.	
		US 5,437,631	08-01-1995	Janzen	
		US 5,437,680	08-01-1995	Yoon	
		US 5,456,720	10-10-1995	Schultz et al.	
		US 5,464,407	11-07-1995	McGuire	
		US 5,470,337	11-28-1995	Moss	
		US 5,489,307	02-06-1996	Kuslich et al.	
		US 5,492,697	02-20-1996	Boyan et al.	
		US 5,496,348	03-05-1996	Bonutti	
		US 5,507,755	04-16-1996	Gresl et al.	
		US 5,514,180	05-07-1996	Heggeness et al.	
		US 5,520,700	05-28-1996	Beyar et al.	
		US 5,531,678	07-02-1996	Tomba et al.	
		US 5,534,030	07-09-1996	Navarro et al.	
		US 5,540,715	07-30-1996	Katsaros et al.	
		US 5,540,704	07-30-1996	Gordon et al.	
		US 5,545,229	08-13-1996	Parsons et al.	
		US 5,556,428	09-17-1996	Shah	
		US 5,562,738	10-08-1996	Boyd et al.	
		US 5,562,684	10-08-1996	Kammerer	
		US 5,569,252	10-29-1996	Justin et al.	
		US 5,573,286	11-12-1996	Rogozinski	
		US 5,582,616	12-10-1996	Bolduc et al.	
		US 5,584,862	12-12-1996	Bonutti	
		US 5,591,223	01-07-1997	Lock et al.	
		US 5,591,177	01-07-1997	Lehrer	
		US 5,593,425	01-14-1997	Bonutti et al.	
		US 5,613,974	03-25-1997	Andreas et al.	
		US 6,036,699	03-26-1997	Andreas et al.	
		US 5,620,012	04-15-1997	Benderrev et al.	
		US 5,624,463	04-29-1997	Stone et al.	
		US 5,626,613	05-06-1997	Schmieding	
		US 5,626,614	05-06-1997	Hart	
		US 5,626,612	05-06-1997	Bartlett et al.	

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

	US 5,634,931	06-03-1997	Kugel	
	US 5,643,319	06-03-1997	Green et al.	
	US 5,645,084	07-08-1997	McKay	
	US 5,658,343	08-19-1997	Hauselmann et al.	
	US 5,662,683	09-02-1997	Kay	
	US 5,669,935	09-23-1997	Rosenman et al.	
	US 5,674,294	10-07-1997	Bainville et al.	
	US 5,674,296	10-07-1997	Bryan et al.	
	US 5,676,698	10-14-1997	Janzen et al.	
	US 5,676,701	10-14-1997	Yuan et al.	
	US 5,681,351	10-28-1997	Jamiolkowski et al.	
	US 5,683,465	11-04-1997	Shinn et al.	
	US 5,683,417	11-04-1997	Cooper	
	US 5,695,525	12-09-1997	Mulhauser et al.	
	US 5,697,950	12-16-1997	Fucci et al.	
	US 5,702,450	12-30-1997	Bisserie	
	US 5,702,451	12-30-1997	Biedermann et al.	
	US 5,702,462	12-30-1997	Oberlander	
	US 5,704,943	01-06-1998	Yoon et al.	
	US 5,716,404	02-10-1998	Vacanti et al.	
	US 5,716,408	02-10-1998	Eldridge et al.	
	US 5,716,409	02-10-1998	Debbas	
	US 5,716,413	02-10-1998	Walter et al.	
	US 5,725,552	03-10-1998	Kotula et al.	
	US 5,725,577	03-10-1998	Saxon	
	US 5,728,150	03-17-1998	McDonald et al.	
	US 5,728,109	03-17-1998	Schulze et al.	
	US 5,730,744	03-24-1998	Justin et al.	
	US 5,735,875	04-07-1998	Bonutti	
	US 5,736,746	04-07-1998	<u>Furutoh</u>	
	US 5,743,917	04-28-1998	Saxon	
	US 5,746,755	05-05-1998	Wood et al.	
	US 5,752,964	05-19-1998	Mericle	
	US 5,759,189	06-02-1998	Ferragamo et al.	
	US 5,782,860	06-21-1998	Epstein et al.	

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
		US 5,769,864	06-23-1998	Kugel	
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		US 5,772,661	06-30-1998	Michelson	
		US 5,776,183	07-07-1998	Kanesaka et al.	
		US 5,786,217	07-28-1998	Tubo et al.	
		US 5,792,152	08-11-1998	Klein et al.	
		US 5,797,929	08-25-1998	Andreas et al.	
		US 5,800,550	09-01-1998	Sertich	
		US 5,810,848	09-22-1998	Hayhurst	
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		US 5,823,994	10-20-1998	Sharkey et al.	
		US 5,824,008	10-20-1998	Bolduc et al.	
		US 5,824,082	10-20-1998	Brown	
		US 5,824,094	10-20-1998	Serhan et al.	
		US 5,827,328	10-27-1998	Butterman	
		US 5,836,315	11-17-1998	Benderev et al.	
		US 5,842,477	12-01-1998	Naughton et al.	
		US 5,843,084	12-01-1998	Hart et al.	
		US 5,846,261	12-08-1998	Kotula et al.	
		US 5,849,331	12-15-1998	Ducheyne et al.	
		US 5,853,422	12-29-1998	Huebsch et al.	
		US 5,855,614	01-05-1999	Stevens et al.	
		US 5,860,425	01-19-1999	Benderev et al.	
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		US 5,865,845	02-02-1999	Thalgott	
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		US 5,868,762	02-09-1999	Cragg et al.	
		US 5,888,226	03-30-1999	Rogozinski	
		US 5,893,889	04-13-1999	Harrington	
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		US 5,895,426	04-20-1999	Scarborough et al.	
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		US 5,919,235	07-06-1999	Husson et al.	
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		US 5,941,439	08-24-1999	Kammerer et al.	

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

	US 5,944,738	08-31-1999	Amplatz et al.	
	US 5,948,001	09-07-1999	Larsen	
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	US 5,954,716	09-21-1999	Sharkey et al.	
	US 5,957,939	09-28-1999	Heaven et al.	
	US 5,964,783	10-12-1999	Grafton et al.	
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	US 5,972,000	10-26-1999	Beyar et al.	
	US 5,972,007	10-26-1999	Sheffield et al.	
	US 5,984,948	11-16-1999	Hasson	
	US 6,001,130	12-14-1999	Bryan et al.	
	US 6,007,575	12-28-1999	Samuels	
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	US 6,019,793	02-01-2000	Perren et al.	
	US 6,024,754	02-15-2000	Engelson	
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	US 6,027,527	02-22-2000	Asano et al.	
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	US 6,039,762	03-21-2000	McKay	
	US 6,045,561	04-04-2000	Marshall et al.	
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	US 6,106,545	08-22-2000	Egan	
	US 6,113,609	09-05-2000	Adams	
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	US 6,113,639	09-05-2000	Ray et al.	
	US 6,123,715	09-26-2000	Amplatz	
	US 6,143,006	11-07-2000	Chan et al.	
	US 6,146,380	11-14-2000	Racz et al.	
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	US 6,162,203	12-19-2000	Haago	

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U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

	US 6,171,317	01-09-2001	Jackson et al.	
	US 6,171,329	01-09-2001	Shaw et al.	
	US 6,176,863	01-23-2001	Kugel et al.	
	US 6,179,879	01-30-2001	Robinson et al.	
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	US 6,190,401	02-20-2001	Green et al.	
	US 6,200,329	03-13-2001	Fung et al.	
	US 6,203,554	03-20-2001	Roberts	
	US 6,203,565	03-20-2001	Bonutti	
	US 6,206,895	03-27-2001	Levinson	
	US 6,221,092	04-24-2001	Koike et al.	
	US 6,221,109	04-24-2001	Geistlich et al.	
	US 6,231,615	05-15-2001	Preissman	
	US 6,245,080	06-12-2001	Levinson	
	US 6,267,772	07-31-2001	Mulhauser et al.	
	US 6,248,131	09-19-2001	Felt et al.	
	US 6,293,961	09-25-2001	Schwartz et al.	
	US 6,296,659	10-02-2001	Foerster	
	US 6,306,159	10-23-2001	Schwartz et al.	
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**INFORMATION DISCLOSURE
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Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
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Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		Translation ⁶
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